

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KALEEK JAMAL CROSS,

Plaintiff,

-against-

THE CITY OF NEW YORK, NEW YORK CITY POLICE
DEPARTMENT, POLICE OFFICER DONNELL MYERS
SHIELD #10314, POLICE OFFICER JOSEPH
CRUZADO, SERGEANT DIGENNERO, POLICE
OFFICER HIINTEMAN TAX REG. 931733, AND
OTHER JOHN DOE(S) POLICE OFFICERS AND
OTHER UNIDENTIFIED NEW YORK CITY POLICE
OFFICERS,

Defendants.

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

08 CV 3412 (JG) (RLM)

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WHEREAS, plaintiff commenced this action by filing a complaint on or about
August 20, 2008, alleging violations of their federal and state rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's
allegations; and

WHEREAS, the parties now desire to resolve the remaining issues raised in this
litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by
and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and
without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. Defendant City of New York hereby agrees to pay plaintiff KALEEK
JAMAL CROSS, Ninety Thousand Dollars (\$90,000.00) in full satisfaction of all claims,

including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against defendants City of New York, New York City Police Department, Police Officer Donnell Myers, Police Officer Joseph Cruzado, Sergeant Joseph DiGennero, Police Officer Timothy Hinteman and any present or former employees or agents of the City of New York or any agency thereof, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to the defendants' attorney all documents necessary to effect this settlement, including, without limitation, General Releases based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary

the terms and conditions contained herein.

Dated: New York, New York
July 16, 2009

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By: 
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City of New York
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By:  7/29/09
AFSAAN SALEEM
Assistant Corporation Counsel

SO ORDERED:

U.S.D.J.